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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/054,565	04/03/98	SIMPSON	J P-3489.027

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QM32/0329

EXAMINER	
GOODMAN, C	

ART UNIT	PAPER NUMBER
3724	7

DATE MAILED: 03/29/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	09/054,565	SIMPSON, JACK R.
	Examiner Charles Goodman	Art Unit 3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

1) Responsive to communication(s) filed on 10 January 2000.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.
 4a) Of the above claim(s) 22,23 and 25 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-21,24 and 26 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are objected to by the Examiner.
 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 a) All b) Some * c) None of the CERTIFIED copies of the priority documents have been:
 1. received.
 2. received in Application No. (Series Code / Serial Number) _____.
 3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

14) Notice of References Cited (PTO-892) 17) Interview Summary (PTO-413) Paper No(s). _____.
 15) Notice of Draftsperson's Patent Drawing Review (PTO-948) 18) Notice of Informal Patent Application (PTO-152)
 16) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 19) Other: _____

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DETAILED ACTION

1. The Amendment filed on January 10, 2000 has been entered in part. The amendment to claim 27 has not been entered, since the application as originally filed did not include an original claim 27.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "weighted" scrap stripper (claim 24) must be shown or the feature canceled from the claim. No new matter should be entered.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "S" (p. 12, l. 5). Correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 8-14, 16-17, 19 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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- i. In claim 8, l. 6, the term "it" is vague and indefinite. What is "it" referring to? The same applies to the rest of the claims. In line 9, the phrase "the direction of movement.." lacks clear antecedent basis.
- ii. The following phrases lack clear antecedent basis: (claim 9) "the height"; (claim 16) "the direction of travel of the cutting die" (no "travel direction" has been set forth for the cutting die); and (claim 26) "the influence of centrifugal force".
- iii. Claim 11 is vague and indefinite in that it is not clear what the claim encompasses. It appears to be a double inclusion of the same previously recited. If not, then what is the difference? The same applies to claims 12-13.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-21, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smithwick Jr. et al in view of Rilitz et al.

Smithwick Jr. et al discloses the invention substantially as claimed except for the flexible fingers 24 (on one row of fingers) extending outwardly over the base at an acute angle. However, Smithwick Jr. et al already teaches that the angular orientation of the fingers along with the adjacent notches allows the stripper to absorb compressive forces during the cutting

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operation while at the same time rebound to longitudinally direct a force which helps to free the scrap. See c. 4, ll. 11-28. Along that line, Rilitz et al teaches a stripper (at 13 or 14 in the Figures) including a base (see the attachment for the stripper in Fig. 2) and a flexible finger (13 or 14) extending outwardly over the base and at an acute angle within the range as claimed which suggests lessening of the compressive forces that the stripper experiences during the cut strip deflection and guidance operation while maintaining sufficient rebound longitudinal strength (force) to deflect and guide the cut portion of the web 3. See Figs. 1-2. Thus, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the device and method of Smithwick Jr. et al with the finger extending over the base of the stripper at an acute angle as taught by Rilitz et al in order to enhance the absorption of the compressive forces without compromising the longitudinally directed force required to free the scrap.

Response to Arguments

8. Applicant's arguments with respect to claims 1-21, 24, and 26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (703) 308-0501. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached on (703) 308-2187. The fax phone number for this Group is (703) 305-3579.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [\[rinaldi.rada@uspto.gov\]](mailto:rinaldi.rada@uspto.gov).

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record

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includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Charles Goodman
Patent Examiner
AU 3724

cg 
March 27, 2000


Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700